

## REMARKS

Claims 1-33, 36 and 41-45 are pending in the present application. The Examiner has raised a number of objections and rejections. For clarity, these objections and rejections are listed below in the order in which they are addressed herein.

- I.** Claims 1-33, 36, and 41-45 are rejected under the judicially created doctrine of obviousness type double patenting.
- II.** The disclosure is objected to for informalities relating to inconsistencies in the priority information in the first paragraph of the specification, the oath, and the information in the USPTO computer system, and for Figure descriptions in the specification.
- III.** Claims 38 and 45 are rejected under 35 U.S.C. §112 is allegedly being indefinite.

**I.** Claims 1-33, 36, and 41-45 are rejected as being unpatentable under the judicially created doctrine of obviousness type double patenting over Claims 1-32 of U.S. Patent No. 5,846,717, Claims 1-20 of U.S. Patent No. 5,985,557, Claims 1-34 of U.S. Patent No. 5,994, 069, Claims 1-15 of U.S. Patent No. 6,001,567, Claims 1-27 of U.S. Patent No. 6,090,543, Claims 1-72 of U.S. Patent No. 6,348,314, and Claims 1-27 of U.S. Patent No. 6,458, 535. As all of these patents are co-owned by the present Applicants, Applicants herein file a terminal disclaimer to overcome these rejections, and respectfully request that these rejections be removed.

**II.** The disclosure is objected to for informalities relating to inconsistencies in the priority information in the first paragraph of the specification, the oath, and the information in the USPTO computer system, and for Figure descriptions in the specification.

The Examiner has requested that Applicants check information regarding the applications to which the present application claims priority. Included herewith is an

Application Data Sheet having a list of priority applications that is corrected to remove typographical errors. The first paragraph of the specification is herein amended to include the serial numbers, filing dates and dates of issue for the patents recited in this paragraph. The serial numbers, filing dates and dates of issue were included with the New Application Transmittal sheet for the application on the date of filing. As such, these amendments are not new matter.

The Examiner has asserted that references to Figures 22 and 24 on pages 58 and 59, respectively should recite "Figure 22A and B" and "Figure 24A and B," respectively. Without acquiescing to the Examiner's objections and reserving the right to prosecute applications having the original language in the future, the present application is amended herein to recite "Figure 22A and B" and "Figure 24A and B" at pages 58 and 59, respectively.

For the reasons recited above Applicants submit that all grounds for objection have been addressed and respectfully request that these objections to the specification be removed.

**III.** Claims 38 and 45 are rejected under 35 U.S.C. §112 is allegedly being indefinite. The Examiner has asserted that Claim 38 is indefinite for reciting "said non-target cleavage product" a term that allegedly lacks antecedent support. Applicants note that Claim 38 was cancelled without prejudice in a previous amendment, and also note that pending Claim 36 contains this term. Applicants therefore infer that the Examiner intended this rejection to apply to pending Claim 36 and have drafted the present amendment and response accordingly. If this inference is incorrect, Applicants request clarification of this rejection.

Without acquiescing to the Examiner's argument and reserving the right to prosecute the same or similar claims in the future, Applicants herein amend Claim 36 to depend from Claim 6, which recites a "non-target cleavage product". As such, this term in Claim 36 has antecedent support.

The Examiner has asserted that Claim 45 is indefinite for reciting "said first oligonucleotide . . . said second oligonucleotide," terms that allegedly lacks antecedent

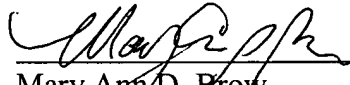
support. Without acquiescing to the Examiner's argument and reserving the right to prosecute the same or similar claims in the future, Applicants herein amend Claim 45 to depend from Claim 4, which recites first and second oligonucleotides. As such, these terms in Claim 45 have antecedent support.

For the reasons recited above Applicants submit Claims 36 and 45 are not indefinite under 35 U.S.C. §112 and respectfully request that these rejections be removed.

### **CONCLUSION**

For the reasons set forth above, it is respectfully submitted that all rejections and objections should be removed and Applicants' claims should be passed to allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourages the Examiner to call the undersigned collect at (608) 218-6900.

Dated: 2/22/2005

  
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